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Date: January 6, 2004

Docket No.: 2039-0169P

MS PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional ☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/887,757 filed on July 21, 2001, the entire contents of which are hereby incorporated by reference,
by

Marco RADICE, Andrea PASTORELLO, Alessandro PAVESIO, and
Lanfranco CALLEGARD

for

INJECTABLE HYALURONIC ACID DERIVATIVE WITH PHARMACEUTICALS/CELLS

1. ☒ Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).

LEONARD R. SVENSSON
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LRS@BSKB.COM
1711 U.S. PTO
010604

22141 U.S. PTO
10/752464
010604

2. ☒ The filing fee has been calculated as follows:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$770.00	\$385.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	6-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	2-3 =	0	x 18 = \$0.00	x 43 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00	+ \$145.00
TOTAL			\$770.00	\$0.00

3. ☐ A check in the amount of \$0.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☒ Please charge Deposit Account No. 02-2448 in the amount of \$770.00. A triplicate copy of this request is enclosed.
5. ☐ Enclosed is/are _____ (____) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 09/887,757 on _____. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to Fidia Advanced Biopolymers, S.r.l..
8. ☐ A Preliminary Amendment is enclosed.
- 9a. ☐ Priority of Application No(s). _____ filed in _____ on _____ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on _____.
- 9b. ☒ Priority of International Appln. PCT/IB99/02077 filed on December 21, 1999 under the Patent Cooperation Treaty and Italian Application No. PD98A00298 filed in _____.

Italy on December 21, 1998 under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

10. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
11. ☒ Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

or
Customer No. 02292
12. ☐ An extension of time for _____ () month(s) until _____ has been submitted in parent Application No. 09/887,757 in order to establish co-pendency with the present application.
13. ☒ Also enclosed herewith is the following:

Express Mail Certificate (EV 404625113 US)

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Kulpana Koley #46,183
Leonard R. Svensson, #30,330
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LRS/KR/sml
2039-0169P

Attachment(s)

(Rev. 10/30/03)

MS PATENT APPLICATION
PATENT
2039-0169P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: RADICE et al. Conf.: N/A
Appl. No.: NEW Group: 1651
Filed: December 10, 2003 Examiner: WITZ, JEAN C.
For: INJECTABLE HYALURONIC ACID DERIVATIVE
WITH PHARMACEUTICALS/CELLS

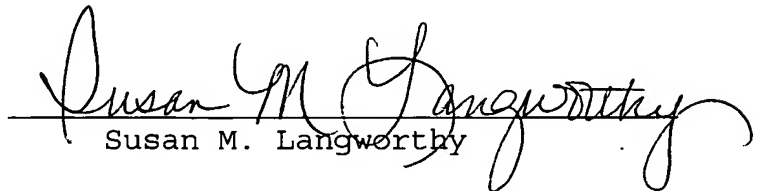
EXPRESS MAIL CERTIFICATE

DATE DEPOSITED: January 6, 2004

I hereby certify that the enclosed DIVISIONAL PATENT APPLICATION is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to MS PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.: EV 404625113 US

Date: January 6, 2004


Susan M. Langworthy

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